

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

NO. 11-CR-20070

vs.

HON. AVERN COHN

D-1 JOHN CLARK,

Defendant.

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RESPONSE TO DEFENDANT'S SENTENCING MEMORANDUM

Set forth below is the response of the United States to defendant John Clark's Sentencing Memorandum:¹

I. The Defendant's Demand for a Consulting Contract and Corrupt Acceptance of Cash Did Serious Damage

The Defendant's corruption as a public official is a serious offense. This fact should drive his sentence. The Defendant's actions in October and November 2007 demonstrate his corrupt motives and his efforts to cash in on the corrupt culture of pay-to-play. At that time, the Defendant, while the Chief of Staff of the City Council President of Detroit, sought to get a lucrative consulting contract and to be paid as a consultant by Synagro at the exact same time that Synagro's proposed sludge-hauling contract with the city was up for a vote before the City Council. While hoping to curry favor with Synagro as the vote was pending, the Defendant was at the beck and call of a Synagro executive instead of serving the public and the City Council. In serving the interests of

¹The United States has filed, under seal, a separate memorandum responding to certain portions of the Defendant's Sentencing Memorandum that are under seal.

Synagro, seeking the rich consulting contract, taking \$2,000 in cash as a reward, and demanding an additional \$12,500 in cash for his past actions as Chief of Staff, the Defendant was corrupting the Detroit City Council. The Defendant's actions contributed to the decay of a struggling city in need of honest public servants. The Defendant had important responsibilities as Chief of Staff, and his serious crime needs to be punished in a serious way. In a real sense, the damage done by the Defendant's contribution to corruption in Detroit is far more serious than the damage done by some of the drug offenders sentenced in federal court who receive far more serious sentences of imprisonment. A sentence of imprisonment will recognize the damage done by the Defendant's misconduct and the seriousness of his offense.

II. A Sentence of Imprisonment Is Necessary to Deter Other Public Officials

The Defendant's very public betrayal of his responsibilities as a public official require a sentence of imprisonment in order to send a clear message to other public officials. After stepping away from his city council office, the Defendant was caught on videotape collecting and then counting \$2,000 in cash paid to him because of his official acts. He took another cash payment of \$1,000 in return for future official acts, and he demanded another \$12,500 as a cash reward. A sentence of probation for such conduct would not deter people in positions of public trust from taking advantage of their positions just as the Defendant did in this case. A probationary sentence would tell public officials that they can take the risk of accepting bribes because they will not face real punishment, even if they are caught on tape taking the bribe.

III. The Defendant's Refusal to Fully Accept Responsibility Should Be Taken Into Consideration In Fashioning A Sentence

In this case, the Court conducted an evidentiary hearing in order to determine the applicable sentencing guideline range. The Defendant testified during that hearing. During his testimony, the Defendant claimed that the \$2,000 cash payment was a down payment on a future consulting contract. He also claimed that Special Agent Robert Beeckman tricked and cajoled him into admitting that he took bribes during his interview with FBI agents. Although the Defendant has received a two-level downward adjustment for accepting responsibility by pleading guilty according to his plea agreement, the Court should take his testimony into consideration in deciding where to sentence the Defendant within the guideline range and whether to give him a variance. The Defendant's unwillingness to make a straightforward admission of what he did wrong and the crime he committed should affect the sentence that he receives.

IV. Conclusion

For the reasons set forth above, the United States requests that the Defendant be sentenced at the top of the sentencing guideline range as determined by the Court.

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Dated: February 15, 2012

CERTIFICATE OF SERVICE

I hereby certify that on February 15, 2012, I electronically filed the foregoing document with the Clerk of the Court using the ECF system, which will send notification of such filing to the following:

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